

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HAROLD BARLING,  
Plaintiff,

v.

UEBT RETIREE HEALTH PLAN, et al.,  
Defendants.

Case No. [14-cv-04530-VC](#)

**ORDER RE FURTHER BRIEFING**

The court requests that the parties file supplemental briefs on the following questions:

1. Assuming the court concludes that the SPD is ambiguous about whether the plan was required to cover Barling's deductible, is it appropriate to resolve this plan interpretation question on cross-motions for summary judgment, or should there be a bench trial? What evidence, if any, should the court consider in resolving this question, and does that evidence give rise to a dispute of material fact?
2. Assuming the court concludes that it must review the trustees' interpretation of the SPD de novo, must it nonetheless resolve any ambiguity in favor of the trustees?
3. Assuming the court concludes that the people involved in the appeals process misunderstood Mr. Barling's argument and did not answer the question he presented, would a remand be appropriate?

The briefs, which should be no longer than 10 pages, are due June 1, 2015 by 5:00 p.m.

**IT IS SO ORDERED.**

Dated: May 22, 2015



VINCE CHHABRIA  
United States District Judge